

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to guardianship subsidy agreements  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 204, “Subsidized Guardianship Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

The rules in Chapter 204 are being reviewed as part of the Department’s five-year rules review process. Clarification is proposed to be added regarding when a subsidized guardianship can continue to the age of 21. Language is also proposed to be added to provide information on when a subsidy would be terminated.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—204.7(234) as follows:

**441—204.7(234) Termination of subsidy.** A Guardianship Subsidy Agreement shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination:

1. The child reaches the age of 18, unless the department determines that the subsidy may continue until the child reaches the age of 21 to facilitate the child's completion of high school or a high school equivalency diploma, or the department determines the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.

2. The child marries or enlists in the military.

3. The child no longer lives with the guardian, except for placement outside the home as limited by subrule 204.4(3).

4. The relationship ends due to the death of the child.

5. The terms of the Guardianship Subsidy Agreement are concluded.

6. The guardian requests that the guardianship payment cease.

7. The department has determined the guardian is not providing financial support to the child.

8. The guardian fails to abide by the terms of the Guardianship Subsidy Agreement.

9. The guardianship case is terminated by court order.

10. The department funds for subsidized guardianship are no longer available.

11. Due to incapacity, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, the guardianship has been or will be vacated, and a successor guardian was not named in the Guardianship Subsidy Agreement.

12. The guardian or guardians die or are incapacitated (one guardian in a single-parent family or both guardians in a two-parent family), and a successor guardian is not named in the Guardianship Subsidy Agreement.

ITEM 2. Amend **441—Chapter 204**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 234.6 ~~and 2006 Iowa Acts, House File 2734, section 17, subsection 10.~~